IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.544 OF 2001

Gulab Jethanand Khemnani. ..Appellant.

V/s.

The State of Maharashtra. ..Respondent.

WITH

CRIMINAL APPEAL NO.201 OF 2002

Mohd. Parvez Mohd. Jaffar Soda ..Appellant.

V/s.

The State of Maharashtra. ..Respondent.

WITH

CRIMINAL APPEAL NO.516 OF 2001

Ashok Durgashankar Awasti. ..Appellant.

V/s.

The State of Maharashtra. ..Respondent

Mr.Naveen Chomal for appellant in Appeal No.544 of 2001(org.accused No.5)

Mr.U.S.Vanjara for appellant in Cr.Appeal No.201 of 2002(org.accused No.1)

Mr.Amit Sale i/b. M.L.Patil for appellant in Cr.Appeal No.516 of 2001(org.accused No.4).

Dr.S.S.Tatkare, APP for State in all the matters.

CORAM: A.M.KHANWILKAR,J

DATE : DECEMBER 22, 2006.

P.C. :

1. For the reasons separately recorded in the Judgment pronounced in open court, following operative order is passed.

. Accordingly, appeals preferred by the accused Nos. 1, 4 and 5 would succeed in part. In that, finding of guilt recorded by the trial Court against each of these accused for offences punishable under Sections 120-B of I.P.Code r/w 3(2) r/w 2(1)(a) of M.C.O.C.Act is upheld. Similarly, finding of guilt in respect of offences punishable under sections 489B and 489C r/w 120-B of I.P.Code is also upheld. However, in so far as order of sentence imposed by the trial Court for the said offences, the same would stand altered in the following terms.

(i) In relation to the offences punishable under section 120-B of I.P.Code r/w section 3(2), r/w 2(1)(a) of M.C.O.C.Act, each of the accused Nos.1, 4 and 5 are sentenced to suffer

rigorous imprisonment for the period already undergone by them and pay fine in the sum of Rs. 5 Lakhs payable by each of them, in default to suffer further rigorous imprisonment for one year.

(ii) In so far as offences punishable under sections 489B and 489(C) r/w 120-B of I.P.Code, each of the accused Nos. 1, 4 and 5 are sentenced to suffer rigorous imprisonment for five years, which period is already undergone by them. They are further ordered to pay fine of Rs.5,000/- payable by each of them, in default to suffer rigorous imprisonment for six months, if already not undergone.

(iii) The substantive sentences of imprisonment to run concurrently with each other, except the sentence imposed in default of payment of fine.

(iv) Accused Nos. 1, 4 and 5 be

released subject to above and if not required in any other offence.

(v) Muddemal in relation to the accused Nos.1,4 and 5 be disposed of in terms of the directions given by the trial Court.

. All concerned to act on the copy of the operative order passed by this court to be issued duly authenticated by the office.